IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P. No.4854 of 2007
Date of decision: December 4,2007

Baba Bus Service V. State of Punjab and others

CORAM: HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE SHAM SUNDER

Present: Mr. Sachin Midha, Advocate, for the petitioner.
Mr. B.S.Chahal, AAG, Punjab for respondents No.1 to 3.

J.S.Khehar,J.(Oral)

The petitioner applied for a Stage Carriage Permit on the Abohar to Ludhiana via Muktsar-Moga route. The claim of the petitioner was accepted and he was issued a communication dated 27.5.2005, requiring him to lift the permit within four months from the date of issue thereof. It is, therefore, apparent that the petitioner had to lift the permit on or before 26.9.2005. It is not a matter of dispute that the petitioner did not lift the aforesaid permit within the time stipulated in the communication dated 27.5.2005. The petitioner did not seek any extension of time for lifting the permit. He, however, deposited the fee prescribed therefor on 22.11.2005. Having deposited the aforesaid fee, the petitioner now claims that the permit under reference should be permitted to be lifted. This request of the petitioner was considered and declined by the Secretary, Regional Transport Authority, Ferozepur through a communication dated 12.10.2006 (Anneure R/1). The instant action is subject matter of challenge at the hands of the petitioner.

The controversy, as has been projected in the foregoing

paragraph, has to be adjudicated in terms of Rule 128(5) of the Punjab Motor Vehicles Rules,1989. The aforestated rule is extracted hereunder:

> "The applicant or allottee of stage carriage permit shall, within three months of the sanction of the permit by the Regional Transport Authority or State Transport Authority or such longer period as may be specified by the Authority but not more than six months, produce the certificate or registration of the vehicle before the authority so that the particulars of registration of the vehicle may be entered in the permit."

The first contention of learned counsel for the petitioner is that the petitioner had deposited the prescribed fee within the outer limit of six months stipulated under the Rule extracted hereinabove, and as such, should be permitted to lift the permit under reference. The contention of learned counsel for the respondents is that the petitioner did not deposit the registration certificate of the vehicle, which the petitioner was to ply on the route under reference, within the stipulated period of six months, and as such, the petitioner could not be permitted to lift the permit.

Having considered the rival contention of learned counsel for the parties, we are of the view that Rule 128(5) of the Punjab Motor Vehicles Rules,1989 lays down an outer limit of six months for lifting a permit. A perusal of the aforesaid Rule reveals that a party granted a permit has to deposit inter alia the particulars of registration of the vehicles, to be used on the route, within a period of six months (at the most). Since, admittedly the petitioner did not communicate the respondents, particulars of registration of the vehicle, he desired to ply on the route under reference, it is

apparent that the claim of the petitioner for lifting the permit is clearly barred under the provisions of Rule 128(5) of the Punjab Motor Vehicles Rules,1989. In view of the above, we find no merit in the instant contention of learned counsel for the petitioner.

The second contention of learned counsel for the petitioner is that, in the first instance the respondents advertised three route permits, one of which was granted to the petitioner. Although, originally the remaining two permits were lifted, it is orally stated by the learned counsel for the petitioner that, one of the persons, who had been granted the permit, had since surrendered the same to the respondents, and as such ,out of the three advertised permits, only one permit for half return trip is presently operating on the route under reference. It is the contention of the learned counsel for the petitioner that the action of the respondents in denying the petitioner liberty to lift the permit, at the present juncture, is against public interest, and as such, the petitioner should be allowed to lift the permit.

Since we have already held hereinabove that there is a statutory bar, under which the petitioner cannot be permitted to lift the permit, after expiry of period of six months from the date of issue thereof, we are further of the view that the instant contention of the learned counsel for the petitioner, if accepted would be in violation of the statutory provisions. The same can,therefore, not be accepted.

Dismissed.

(J.S. Khehar)
Judge

December 4,2007 (Sham Sunder)
sks Judge